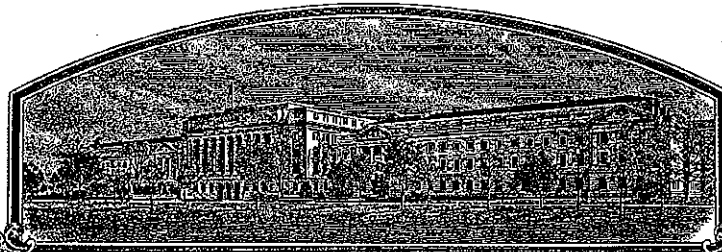


No.

200500105



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED IN THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN, FIELD

'Windbreaker'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of December, in the year two thousand and five.



[Signature]

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[Signature]

Secretary of Agriculture

REPRODUCE LOCALLY. Include form number and date on all reproductions

Form Approved - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE		The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995. Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).	
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (Instructions and information collection burden statement on reverse)			
1. NAME OF OWNER Seminis Vegetable Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME XP 08530762	3. VARIETY NAME <i>'Windbreaker'</i>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967		5. TELEPHONE (include area code) (805) 647-1572	FOR OFFICIAL USE ONLY PVPO NUMBER 2005 00 105
6. FAX (include area code) (805) 918-2545		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	FILING DATE JAN 31, 2005
8. IF INCORPORATED, GIVE STATE OF INCORPORATION CA		9. DATE OF INCORPORATION June 4, 1962	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)		FILING AND EXAMINATION FEES: \$ 3,652.00 DATE 01/24/2005 CERTIFICATION FEE: \$ 682.00 DATE 11-01-2005	
Sharen Chaffin Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland CA 95695		Marcel Bruins (marcel.bruins@seminis.com) Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen, The Netherlands PH: 31 317 450218; FAX: 31 317 450217	
11. TELEPHONE (include area code) (530) 669-6172	12. FAX (include area code) (530) 666-4426	13. E-MAIL sharen.chaffin@seminis.com	
14. CROP KIND (Common Name) Dry Bean	15. FAMILY NAME (Botanical) Leguminosae	16. DOES THE VARIETY CONTAIN ANY TRANSGENESIS? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
17. GENUS AND SPECIES NAME OF CROP Phaseolus vulgaris	18. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(e) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER <i>Sharen Chaffin</i>		SIGNATURE OF OWNER <i>Sharen Chaffin</i>	
NAME (Please print or type) Sharen Chaffin		NAME (Please print or type) Sharen Chaffin	
CAPACITY OR TITLE IP Specialist	DATE 1-21-05	CAPACITY OR TITLE IP Specialist	DATE

(See reverse for instructions and information collection burden statement)

2005 00 105

EXHIBIT A 'Windbreaker'
Origin and Breeding History of 08530762 Pinto

MAH
9/29/05

08530762 was developed at Seminis's Western Breeding Station (WBS), Filer, Idaho, by pedigree selection from a cross of Buster, a Seminis pinto variety, and Matterhorn, a great northern release from the Michigan Agricultural Experiment Station. The crossing and selections were made as follows:

- 1-27-98 Planted Buster and Matterhorn in the greenhouse at WBS. Crosses made
- 6-98 Planted the F1 from above in the field at WBS. Allowed to self pollinate.
- 6-12-99 Planted F2 seeds in the field at WBS. Selected individual plants based on upright productive plants and desirable seed appearance.
- 9-29-99 Planted F3 seeds in the gh at WBS. Allowed to self pollinate.
- 1-26-00 Planted F4 seeds in the gh at WBS. Allowed to self pollinate.
- 6-2-00 Planted F5 in the field at WBS. Selected an individual plant based on erect, indeterminate, productive growth with seed that was uniform in size and color and that tended to resist weathering when exposed to light and moisture.
- 11-00 Planted F6 in the field at the Seminis Mellipilla breeding station near Santiago Chile under the number Ch01 1742. Harvested as a bulk and sent back to Filer Idaho for trials and increase.
- 6-1-01 Planted the bulk of Ch01 1742 in the field at WBS under the number RWG 1075. Observations during the growing season indicated the line was uniform and stable. All subsequent increases of 08530762 trace to the bulk of RWG 1075. Trials in North Dakota the same year indicated the line was an appropriate maturity, was productive, had an erect plant, and ripened uniformly.
- 6-3-02 Space planted a stock of 08530762 in the field at WBS. Harvested as 100 individual plant selections.
- 5-27-03 Planted 100 individual plant selections in the field at WBS as a progeny increase under the number RWV3428. Observations during the growing season confirmed 08530762 is uniform and stable.

Selection criteria in the field represent a balance of characteristics related to maturity, productivity and quality and to goodness to fit for market needs such as erect indeterminate plant, seeds that are uniform in size and color and with reduced tendency to turn dark on exposure to light and moisture, and resistance bean common mosaic virus and to race 53 of the rust fungus.

Observations during the two (2) years of 2001 and 2003 confirm 08530762 is uniform and stable within commercially acceptable limits. As is true with other dry bean varieties a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplication. No variants are known to occur.

200500105

EXHIBIT B

'Wind breaker'

my
9/29/0:

Novelty Statement Concerning ~~08530762~~ Pinto Bean

08530762 is a pinto bean variety developed from a cross of Buster pinto and Matterhorn great northern. To our knowledge the variety that most closely resembles 08530762 is Buster. The comparative characteristic that best distinguishes the two includes, but may not be limited to, resistance to the rust fungus, *Uromyces appendiculatus*. Buster is resistant to races 49 and 67 of the rust fungus, whereas 08530762 is susceptible to both races. These test results are from 2003, Buster stock DBYT03 70, 0762 stock DBYT03 77, and from 2004, Buster stock DBYT04 57 and 0762 stock DBYT04 62. In each year, 5 seedlings were tested against each race for each variety.

Revised 8-05

U. S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK AND SEED DIVISION

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Dry Edible Bean (*Phaseolus vulgaris* L.)

NAME OF APPLICANT(S) SEMINIS VEGETABLE SEEDS	EXPERIMENTAL NAME 08530762	VARIETY NAME 'Windbreaker'
ADDRESS (Street and No. or R.F.D. No., City, State, ZIP) 2700 CAMINO DEL SOL OXNARD, CA 93030		FOR OFFICIAL USE ONLY PVPO NO. 2005 00 105

MAH
9-29-

Provide data for all characters unless indicated as "optional." Place numbers in the boxes for the characters or numerical values which best describe this variety. Measured data should be the mean of an appropriate number of well spaced (15-20 cm) plants. The Royal Horticulture Society or any recognized color standard may be used to determine plant color. Designate the color system used below.

COLOR SYSTEM USED	LOCATION OF THE TEST(S) TO EVALUATE THIS VARIETY
-------------------	--

1. MARKET CLASS	2. MATURITY
-----------------	-------------

<div>4</div> <div>CLASS</div> <div>1 = Navy (Pea)</div> <div>2 = Small White</div> <div>3 = Black</div> <div>4 = Pinto</div> <div>5 = Great Northern</div> <div>6 = Small Red</div> <div>7 = Pink</div> <div>8 = Cranberry</div> <div>9 = Dark Red Kidney</div> <div>10 = Light Red Kidney</div> <div>11 = Yellow Eye</div> <div>12 = Other (specify)</div> <div>CHECK:</div> <div>Sesfarr</div> <div>Aurora</div> <div>Midnight</div> <div>UI-114</div> <div>UI-59</div> <div>NW-59</div> <div>Viva</div> <div>UI-50</div> <div>Montcalm</div> <div>Redcloud</div> <div>Steuben</div>	<div>2</div> <div>1 = Early (80-90 days); 2 = Medium (90-100 days); 3 = Late (>100 days)</div> <div>9 5</div> <div>Days from planting to harvest maturity</div> <div></div> <div>Heat units from planting to harvest maturity (optional). Specify base temperature used:</div> <div>8 9</div> <div>Days from planting to harvest maturity of check variety (use check appropriate to market class shown in item 1)</div>
--	---

3. PLANT HABIT

<div>4</div> <div>TYPE</div> <div>1 = Ia Bush-determinate, strong and erect stem and branches</div> <div>2 = Ib Bush-determinate, weak stem and branches</div> <div>3 = Ia Erect growth habit-indeterminate, guides (runners) short or not developed</div> <div>4 = IIa Erect growth habit-indeterminate, guides medium to long, with no ability to climb</div> <div>5 = IIa Vine-indeterminate, short guides with no ability to climb</div> <div>6 = IIa Vine-indeterminate, long guides with ability to climb</div> <div>7 = IVa Indeterminate climbing, pods distributed throughout the plant</div> <div>8 = IVb Indeterminate climbing, pods concentrated on the upper part of the plant</div>	<div>3 7</div> <div>Average height of mature plant, in cm.</div> <div>3 3</div> <div>Average height of check variety, in cm. (use same check as above)</div> <div>3</div> <div>Pod Position: 1 = Low (lower pods touching soil surface)</div> <div>2 = High (lower pods not touching soil surface)</div> <div>3 = Scattered (not concentrated high or low)</div> <div>1</div> <div>Adaptability to machine harvest: 1 = Adapted 2 = Not Adapted</div> <div>2</div> <div>Lodging resistance: 1 = Good 2 = Fair 3 = Poor</div>
--	--

4. LEAFLET MORPHOLOGY (Use terminal leaflet of a fully expanded trifoliate)

2	1 = Smooth; 2 = Wrinkled	1	1 = Dull; 2 = Glossy; 3 = Semiglossy; 4 = Variable
1	SHAPE:	1	SHAPE:
	1 = Ovate		1 = Ovate
	2 = Lanceolate		2 = Lanceolate
	3 = Deltoid		3 = Deltoid
	4 = Cordate		4 = Cordate
	5 = Rhomboid		5 = Rhomboid
2	APEX OF LEAFLET:	3	APEX OF LEAFLET:
	1 = Acute		1 = Acute
	2 = Acuminate		2 = Acuminate
	3 = Cuspidate		3 = Cuspidate
	4 = Obtuse		4 = Obtuse
3	BASE OF LEAFLET:	4	BASE OF LEAFLET:
	1 = Obtuse		1 = Obtuse
	2 = Oblique		2 = Oblique
	3 = Cordate		3 = Cordate
	4 = Cuneate		4 = Cuneate
	5 = Attenuate		5 = Attenuate

4

2005 00 105

5. FLOWER COLOR AND DAYS TO BLOOM

1 COLOR OF STANDARD: 1 = White; 2 = Cream; 3 = Pink;
4 = Blue; 5 = Purple1 COLOR OF KEEL: 1 = White; 2 = Cream; 3 = Pink;
4 = Blue; 5 = Purple1 COLOR OF WINGS: 1 = White; 2 = Cream; 3 = Pink;
4 = Blue; 5 = Purple

5 4 Days to 50% bloom

6. POD MORPHOLOGY (Green pod morphology optional)

Green Mature

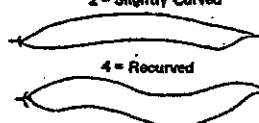
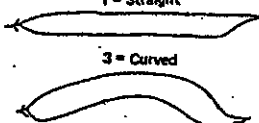
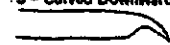
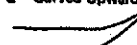
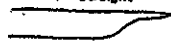
1 3 COLOR PATTERN: 1 = Solid; 2 = Striped; 3 = Blotched; 4 = Mottled; 5 = Other _____

3 5 PRIMARY COLOR: 1 = Purple; 2 = Red; 3 = Green; 4 = Yellow; 5 = Tan; 6 = Brown; 7 = Other _____

1 1 COLOR MODIFIER: 1 = Light; 2 = Light Medium; 3 = Medium; 4 = Medium Dark; 5 = Dark

6 6 SECONDARY COLOR: 1 = Purple; 2 = Red; 3 = Green; 4 = Yellow; 5 = Tan; 6 = Brown; 7 = Other _____

1 1 CROSS SECTION SHAPE: 1 = Flat 2 = Pear 3 = Round 4 = Figure Eight

2 2 POD CURVATURE: 1 = Straight 2 = Slightly Curved
3 = Curved 4 = Recurved3 3 POD BEAK ORIENTATION: 1 = Straight 2 = Curved Upward 3 = Curved Downward 4 = Variable
Average beak length, in cm. _____

2 2 CONSTRUCTIONS: 1 = None; 2 = Slight; 3 = Deep

5 3 Average number of seeds per pod

7. SEED COLOR

3 1 = Shiny; 2 = Dull; 3 = Samishiny; 4 = Variable

2 1 = Monochrome; 2 = Polychrome

4 4 PRIMARY COLOR: 1 = White; 2 = Yellow; 3 = Buff; 4 = Tan;
5 = Brown; 6 = Pink; 7 = Red; 8 = Purple;
9 = Blue; 10 = Black; 11 = Other _____5 5 SECONDARY COLOR: 1 = White; 2 = Yellow; 3 = Buff; 4 = Tan;
5 = Brown; 6 = Pink; 7 = Red; 8 = Purple;
9 = Blue; 10 = Black; 11 = Other _____5 5 COLOR PATTERN: 1 = Solid; 2 = Splashed; 3 = Mottled;
4 = Striped; 5 = Flecked; 6 = Dotted

2 2 HILAR RING: 1 = Absent; 2 = Present

2 2 HILAR RING COLOR: 1 = White; 2 = Yellow; 3 = Buff; 4 = Tan; 5 = Brown; 6 = Pink; 7 = Red;
8 = Purple; 9 = Blue; 10 = Black; 11 = Other _____

8. SEED SHAPE AND WEIGHT

3 3 SHAPE OF SEED TAKEN FROM MIDDLE OF POD: 1 = Round 2 = Oval 3 = Cuboid 4 = Kidney 5 = Truncate
Festigiate

3 9 Dry seed weight in g/100g seeds (adjusted to 12% moisture)

2005 00 105

9. ANTHOCYANIN PIGMENTATION

1 = ABSENT
2 = PRESENT

<input checked="" type="checkbox"/> Flowers	<input checked="" type="checkbox"/> Stems	<input checked="" type="checkbox"/> Pods	<input checked="" type="checkbox"/> Seeds
<input checked="" type="checkbox"/> Leaves	<input checked="" type="checkbox"/> Petioles	<input checked="" type="checkbox"/> Peduncles	<input checked="" type="checkbox"/> Nodes

10. KNOWN DISEASE REACTION

DISEASES - COMMON NAME: Anthracnose, Rust, Powdery mildew, Fusarium root rot, Pythium root rot, Rhizoctonia root rot, Pythium wilt, Sclerotinia white mold, Angular leaf spot, Bacterial wilt, Halo blight, Fuscular blight, Common bacterial blight, Red node virus, Pod mottle virus, Bean common mosaic virus, Bean yellow mosaic virus, Curly top virus, Bacterial brown spot, Bean southern mosaic virus, Other (specify) _____

REACTION: 1 = Susceptible; 2 = Resistant; 3 = Tolerant; 4 = Avoidance

(Give the common name (CN), scientific name (SN), and race(s), where applicable)

☒ DISEASE: CN Bean Common Mosaic ; SN _____ ; Race(s) _____

☒ DISEASE: CN Rust ; SN _____ ; Race(s) 53

☐ DISEASE: CN _____ ; SN _____ ; Race(s) _____

☐ DISEASE: CN _____ ; SN _____ ; Race(s) _____

☐ DISEASE: CN _____ ; SN _____ ; Race(s) _____

☐ DISEASE: CN _____ ; SN _____ ; Race(s) _____

11. KNOWN INSECT/NEMATODE RESISTANCE

PESTS - COMMON NAME: Aphids, Bean pod weevil, Bruchid beetle, Corn earworm, Flea beetle, Leaf hopper, Lesion nematode, Lygus, Mexican bean beetle, Root knot nematode, Corn seed maggot, Spider mites, Thrips, Weevils, Western bean cutworm, Other (specify) _____

REACTION: 1 = Susceptible; 2 = Resistant; 3 = Tolerant; 4 = Avoidance

(Give the common name (CN), scientific name (SN), and biotype, where applicable)

☐ PEST: CN _____ ; SN _____ ; Biotype _____

☐ PEST: CN _____ ; SN _____ ; Biotype _____

☐ PEST: CN _____ ; SN _____ ; Biotype _____

12. KNOWN PHYSIOLOGICAL STRESS REACTION

1 = Susceptible; 2 = Resistant; 3 = Tolerant; 4 = Avoidance ☐ Heat ☐ Cold ☐ Drought ☐ Air Pollution

Nutrient toxicity or deficiency (specify nutrient) _____

Other _____

13. COMMENTS

REPRODUCE LOCALLY. Include form number and edition date on all reproductions.

FORM APPROVED - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XP 08530762	3. VARIETY NAME 'Windbreaker' <i>mat 9-29-00</i>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967	5. TELEPHONE (Include area code) (805) 647-1572	6. FAX (Include area code) (805) 918-2545
7. PVPO NUMBER 2005 00 105		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) named below. Unless otherwise stated, all rights to the varieties developed by Seminis Vegetable Seeds, Inc. are assigned to the Company by agreement or by operation of law. No rights to such invention, discovery or development are retained by the employee(s).

Employee (Breeder): David Webster

Site Location: Filer, ID

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.